

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re:

2265 ENTERPRISE EAST, LLC,

Debtor.

CASE NO. 19-52510-amk

Chapter 11

JUDGE ALAN M. KOSCHIK

**MOTION FOR RULE 2004
EXAMINATION AND NOTICE
REGARDING DEBTOR 2265
ENTERPRISE EAST, LLC**

Pursuant to Rule 2004, Fed. R. Bankr. P., Movant Keystone Real Estate Lending Fund L.P. (“Movant-Secured Creditor”) by the undersigned attorney, moves for examination of corporate representative(s) of 2265 Enterprise East, LLC (“Debtor”) on December 30, 2019, at the law offices of Dinn, Hochman & Potter, LLC, 5910 Landerbrook Drive, Suite 200, Cleveland, Ohio 44124 at 2:30 p.m., and in support of this Motion states:

1. Movant-Secured Creditor is a party in interest, being a creditor of Debtor.
2. The proposed examination relates to:
 - (a) Debtor’s Motion to Sell [Doc. 16], Keystone’s objection thereto [Doc. 26], Movant’s Motion to Dismiss Case, or Alternatively, for Relief from Stay [Doc. 24] and Debtor’s objection thereto [Doc. Nos. 37, 40] (“Contested Matters”);
 - (b) The acts, conduct and property of the Debtor and the liabilities and financial condition of the Debtors; and
 - (c) Other matters that may affect the administration of the Debtors' estate, namely Debtors ' post-petition conduct and activities.

3. By Scheduling Order dated December 11, 2019 [Doc. 48], this Court has scheduled the Contested Matters for hearing on January 16, 2020 with a discovery cut-off date of January 3, 2020.

4. The proposed examination is necessary to properly prepare for hearings/trial of the Contested Matters.

5. Movant-Secured Creditor requests that the representative of Debtor be ordered to bring with them and be prepared to testify regarding:

- Debtor tax returns, including but not limited to K-1's and 1099's;
- Membership/ownership records of Debtor, including but not limited to operating agreements and any amendments thereto;
- Any and all investments in Debtor, including but not limited to capital/equity contributions, loans, and/or financing to Debtor-in-Possession;
- Bank account records from any and all operating accounts from November 2017 to present;
- Property tax records and payment records;
- Payments of insurance premiums';
- Any and all contracts and/or payments to any affiliated entity with common ownership and control;
- Current listing agreements, listings, appraisals, broker opinions of value, and/or any other document relating to valuation relating to valuation of the subject real property.

6. A proposed Order granting the relief requested herein is attached hereto.

WHEREFORE, Movant Keystone Real Estate Lending Fund L.P. moves for the examination on December 30, 2019, at the law offices of Dinn, Hochman & Potter, LLC, 5910 Landerbrook Drive, Suite 200, Cleveland, Ohio 44124 at 2:30 p.m. of 2265 Enterprise East,

LLC, Debtor, pursuant to Rule 2004, Fed. R. Bankr. P. and prays for such other and further relief as is just and proper.

Respectfully Submitted,

DINN, HOCHMAN & POTTER, LLC

/s/ Robert W. McIntyre

BENJAMIN D. CARNAHAN (0079737)

ROBERT W. MCINTYRE (0006768)

5910 Landerbrook Drive, Suite 200

Cleveland, Ohio 44124

Telephone: (440) 446-1100

Facsimile: (440) 446-1240

E-Mail: rmcintyre@dhplaw.com

Attorneys for Creditor

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2019, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

DINN, HOCHMAN & POTTER, LLC

/s/ Robert W. McIntyre

BENJAMIN D. CARNAHAN (0079737)

ROBERT W. MCINTYRE (0006768)

Attorneys for Creditor